

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

(1) RICARDO DIAZ,
and
(2) CESAR CRUZ

Criminal No. 05-30042 MAP

VIOLATIONS:

21 U.S.C. § 846 -
Conspiracy to Possess
with Intent to Distribute
and Distribution of
Cocaine (Count one)

21 U.S.C. § 841(a)(1) -
Possession with Intent to
Distribute and
Distribution of Cocaine
(Count Two)

21 U.S.C. § 841(a)(1) -
Possession with Intent to
Distribute and
Distribution of Cocaine
Base (Count Three)

18 U.S.C. § 2 -
Aiding and Abetting
(Count Two)

INDICTMENT

The Grand Jury Charges:

COUNT ONE: Title 21, United States Code, Section 846 -
Conspiracy to Possess with Intent to Distribute
and Distribution of Cocaine

From a time unknown to the Grand Jury, but at least by or
about January 2005, and continuing thereafter, in Springfield,
and elsewhere in the District of Massachusetts,

(1) RICARDO DIAZ
and
(2) CESAR CRUZ,

the defendants herein, did knowingly and intentionally conspire and agree with each other and persons unknown to the Grand Jury, to possess with intent to distribute, and to distribute, a quantity of cocaine hydrochloride, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: Title 21, United States Code, Section 841(a)(1) - Possession with the Intent to Distribute and Distribution of Cocaine; Title 18, United States Code, Section 2 - Aiding and Abetting

On or about January 5, 2005, in Springfield, in the District of Massachusetts,

(1) RICARDO DIAZ
and
(2) CESAR CRUZ,

the defendants herein, did knowingly and intentionally possess with the intent to distribute and distribute a quantity of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1); and, Title 18, United States Code, Section 2.

COUNT THREE: Title 21, United States Code, Section 841(a)(1) - Possession with the Intent to Distribute and Distribution of Cocaine Base

On or about March 30, 2005, in Springfield, in the District of Massachusetts,

RICARDO DIAZ

the defendant herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of cocaine base in the form of crack cocaine, a Schedule II controlled substance.

The possession with the intent to distribute and distribution of cocaine base described in Count Three of the Indictment involved five grams or more of a mixture or substance containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Controlled Substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii) applies to Count Three.

All in violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

1. As a result of the offenses alleged in Count One, Two, and Three, of this Indictment,

(1) RICARDO DIAZ
and
(2) CESAR CRUZ,

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of the offenses, and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

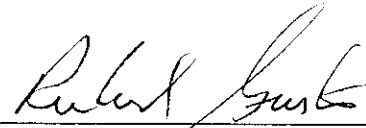
2. If any of the properties described in paragraph 1, above, as a result of any act or omission of the defendants -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

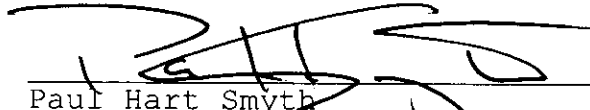
it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section
853.

A TRUE BILL



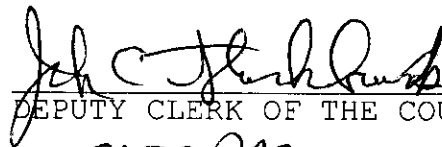
FOREPERSON OF THE GRAND JURY



Paul Hart Smyth
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS: JUNE 9, 2005

Returned into the District Court by the Grand Jurors and filed.



DEPUTY CLERK OF THE COURT

3:55 PM

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency FBICity Springfield Related Case Information:County Hampden Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Cesar Cruz Juvenile ☐ Yes ☒ No

Alias Name _____

Address 90 High StreetBirth date (Year only): 1973 SSN (last 4 #): 1998 Sex M Race: Hispanic Nationality: _____

Defense Counsel if known: _____ Address: _____

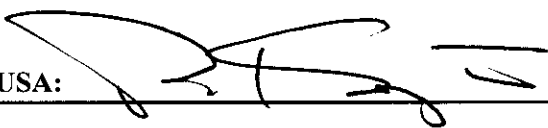
Bar Number: _____

U.S. Attorney Information:AUSA Paul H. Smyth Bar Number if applicable 634600Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: June 9, 2005 Signature of AUSA: 

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Cesar Cruz

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Number s</u>
Set 1	<u>21:846</u>	<u>Conspiracy to Possess. w/intent to dist. & distr.</u>	<u>1</u>
Set 2	<u>21:841(a)(1)</u>	<u>Possess. w/intent to dist. & distr. of cocaine base</u>	<u>2</u>
Set 3	<u>18:002</u>	<u>Aiding and abetting</u>	<u>2</u>
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION:

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency FBICity Springfield Related Case Information:County Hampden Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Ricardo Diaz Juvenile ☐ Yes ☒ No

Alias Name _____

Address 27 Oakwood Terrace, Springfield, MABirth date (Year only): 1985 SSN (last 4 #): 6896 Sex M Race: _____ Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Paul H. Smyth Bar Number if applicable 634600Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

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☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: June 9, 2005 Signature of AUSA: _____

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Ricardo Diaz

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21:846</u>	<u>Conspiracy to Possess. w/intent to dist. & distr.</u>	<u>1</u>
Set 2	<u>21:841(a)(1)</u>	<u>Possess. w/intent to dist. & distr. of cocaine base</u>	<u>2,3</u>
Set 3	<u>18:002</u>	<u>Aiding and abetting</u>	<u>2</u>
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: